

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-2960

Charles R. Blanton,	*	
	*	
Appellant,	*	Appeal from the United States
	*	District Court for the
v.	*	Eastern District of Arkansas.
	*	
Prestolite Wire Corporation,	*	[UNPUBLISHED]
	*	
Appellee.	*	

Submitted: February 16, 2000
Filed: February 29, 2000

Before BOWMAN, HANSEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

The District Court¹ denied Charles R. Blanton's motion for reconsideration of the court's decision granting Prestolite Wire Corporation ("Prestolite") summary judgment on Blanton's Americans with Disabilities Act ("ADA") and Arkansas Civil Rights Act ("ACRA") claims.² Blanton has filed a timely appeal. We affirm.

¹The Honorable William R. Wilson, United States District Judge for the Eastern District of Arkansas.

²The District Court also granted Prestolite summary judgment on Blanton's state-law claim of outrage. Blanton did not seek reconsideration of that ruling and has not

For reversal, Blanton argues the District Court erred by holding that Blanton failed to provide evidence sufficient to survive summary judgment on the question of whether he is disabled within the meaning of the ADA. He also argues the District Court erred by failing to address the issue of whether Prestolite was responsible for causing his disability.

Our review of the case leads us to conclude that the District Court did not err in granting Prestolite summary judgment on Blanton's ADA and ACRA claims. It necessarily follows that the District Court did not abuse its discretion in denying Blanton's motion for reconsideration. Blanton failed to come forward at the summary-judgment stage with sufficient evidence to make a triable case on his claim that he was disabled or was perceived by Prestolite as being disabled. In addition, Blanton failed to provide evidence to show that Prestolite's legitimate, nondiscriminatory reason for firing him—that Prestolite believed Blanton was a serious threat to its employees—was pretextual. The evidence shows that Blanton was fired after he (1) threatened to "take out" certain of his co-employees who had allegedly wronged him, (2) threatened to "blow away" the building housing Prestolite's workers' compensation carrier, (3) brandished a handgun and threatened suicide during an appointment with his workers' compensation doctor, and (4) admitted to threatening a co-employee in a workplace dispute.

In short, Blanton failed to present any evidence from which a reasonable trier of fact could find that Prestolite's termination of his employment was the product of unlawful discrimination. Blanton cannot avoid the consequences of his failure of proof by arguing that Prestolite somehow caused his alleged disability, and the District Court did not err in its order denying Blanton's motion for reconsideration by finding that argument to be wholly without merit.

addressed the outrage claim in this appeal. He thus has abandoned that claim.

Essentially for the reasons stated in the District Court's order granting summary judgment, the judgment of that court is AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.